

## **EMSSAB CHAIRS Bi-Monthly Conference Call**

**Wednesday, December 15, 2004  
3:00 – 4:30 p.m.**

### **Participants**

#### **Chairs/Representatives:**

Fernald	Jim Bierer
Hanford	Todd Martin
Idaho	David Kipping, Shannon Brennan
Nevada	Charles Phillips, Carla Sanda
NNM	Jim Brannon, Ted Taylor, Menice Manzanares
Oak Ridge	Kerry Trammell, Norm Mulvenon
Paducah	Chad Kerley
Rocky Flats	Jerry Depoorter, Ken Korkia
Savannah River	Jean Sulc, Mel Galin

#### **DOE representatives:**

EM-30.1	Sandra Waisley (DFO), Jay Vivari, Frederick Dowd, Doug Frost
EM-20	Robert Goldsmith
CI	Betty Nolan

## ***OPENING REMARKS***

After welcoming everyone, Ms. Waisley summarized activities relating to three items of interest: delays in approval of the Oak Ridge and Fernald membership packages, the FY 2005 budget, and the Chairs' National Forum proposal.

### **SSAB Membership Packages**

Ms. Waisley noted that a number of SSAB membership packages have been delayed in the DOE White House Liaison Office. At Ms. Waisley's request, Paul Golan's staff has called this office to inquire on the status of the packages and has received no response. She has told everyone that delays in these packages make it difficult for the Boards to operate. Ms. Waisley has continued to send emails and make phone calls requesting action on these packages without effect.

Ms. Waisley asked Fred Dowd to ask Rachel Samuel and Jim Solit (Advisory Committee Management Office) for assistance. Mr. Dowd responded that he would contact them.

Jim Bierer requested that the Boards be notified when the membership packages are approved. Ms. Waisley promised to do so. She also stated that she will try going through her new boss, Mark Gilbertson (DAS for Environmental Cleanup and Acceleration) and see if this new route might work.

## **FY 2005 Budget Update**

On December 8, the Omnibus Budget package was signed by President Bush. Ms. Waisley provided a summary of key parts of the budget of interest to the Boards.

The FY 2005 budget for EM is \$7.3 billion, \$7.284 billion net after the .8% rescission. It included \$117 million in Congressional earmarks, including \$41 million in the Office of Cleanup Technologies, Ms. Waisley's new office.

Appropriators placed \$52.5M of these earmarks in the Defense Environmental Services appropriation.

Ms. Waisley then summarized the different accounts:

For the FY 2006 Defense Site Accelerated Completion Account: \$1.26B, including a \$13.2M increase for the Miamisburg Closure Project

For the FY 2012 Defense Site Accelerated Completion Account: \$2.15B, as requested

For the FY 2035 Defense Site Accelerated Completion Account: \$1.9B, an increase of \$11M

For the Defense Environmental Services Account:

- Non-closure activities: \$146M (this is the account targeted for \$52.5M of earmarks)
- Program direction: same as request
- Community/regulatory support: \$60.5M, same as request
- Uranium D&D: \$463M, same as the request
- Spent Nuclear Fuel: \$17.3M, and is transferred to EM from RW

For the Non-Defense Site Accelerated Cleanup Account: \$151.9M, same as request

For Non-Defense Environmental Services: \$291.3M, same as request. Congress transferred \$7.4M of operating expenses for the DUF-6 construction project into the DUF-6 capital line-item, creating an operating shortfall for FY 2005.

For Uranium Enrichment D&D: \$499M, \$1.2M below request

For the Uranium/Thorium Reimbursement Account: \$80M, \$20M below request

For D&D: \$419M, an increase of \$19.4M

NOTE: These numbers do not include the rescission.

Ms. Waisley noted that the FY 2006 Budget passback has been received. EM is developing appeals, and expects to receive feedback concerning those appeals from OMB.

In response to a question, Ms. Waisley stated that the 0.8% rescission was Federal wide.

Betty Nolan noted that the funds from the rescission would be used for deficit reduction.

## **National Forum Proposal**

Ms. Waisley stated that the Chairs' letter to Paul Golan has come in and EM is in the process of preparing a response to be completed this week for Mr. Golan to sign.

Jean Sulc asked if the response would be positive.

Ms. Waisley stated that the response would emphasize that EM is currently in transition potentially to a new Assistant Secretary and that right now EM is not prepared to make a decision. DOE will also soon have a new Secretary, Samuel Bodman. Therefore, no decisions will be made on the National Forum which would require a lot of DOE resources. It's a little bit too early right now.

Jay Vivari added that the primary driving force is the change in leadership at the Secretary level. Mr. Golan wants to run this by the new Secretary to be sure that the new Secretary is on board.

Ms. Waisley reminded everyone that she is in a new office, the Office of Cleanup Technologies (EM-21). She is managing the technology office.

## **NEW BUSINESS**

### **SSAB Chairs Meeting**

Ms. Waisley initiated discussion about the next Chairs' meeting, scheduled for April 2005.

Ms. Sulc volunteered to host the meeting. Dawn Haygood had suggested that the best times would be the last two weeks in April. Volunteers to serve on the steering committee included: Jean Sulc and Dawn Haygood (Savannah River), Norm Mulvenon and Pete Osborne (Oak Ridge), Jerry Depoorter and Ken Korkia (Rocky Flats), and Todd Martin (Hanford)

The steering committee will meet in early January via conference call to settle on the time, place and agenda for the meeting. The preliminary consensus is that the last week of April is the preferred date.

Ms. Waisley was unsure of who from DOE would be the focal point for the meeting. Jay Vivari is leaving. Fred Dowd and Ms. Waisley will be participating, but it's unclear who in DOE will be taking the lead. The decision should come from the Office of Business Operations (EM-30). No one has been named to take over the management of the Internal/External Coordination Group within EM-30. Ms. Waisley will remain as DFO for the near future.

### **Risk Reduction Assistance Program**

Ms. Waisley introduced Robert Goldsmith, Director of the Office of the Core Technical Group in EM-20, reporting (as Ms. Waisley does) to Mark Gilbertson, the DAS.

Mr. Goldsmith noted that the Chairs were unable to come to the Risk-Based End States (RBES) meeting in Chicago, where EM met with intergovernmental groups to talk about next steps. At that meeting, EM heard concerns from both intergovernmental groups and the public about developing the RBES concept and vision. In response, Paul Golan sent out a memo articulating “Eight Principles” for how EM was going to continue with what is now called the “End States” project, in recognition of the other factors besides risk that are part of the process. Also, there was a change in terminology in the vision documents from “variances” to “alternatives.”

In addition, Mr. Golan’s memo to the field managers stated that the December 1st due date for the Vision Documents would be delayed to allow more public participation.

As part of his Eight Principles, Mr. Golan also recognized the need to look at currently agreed-upon end states in light of new technologies, lessons learned, new security concerns, land use changes, etc. The bottom line is that Mr. Golan is trying to figure the “right way to do it,” using EMAB, site managers, and working groups. Mr. Goldsmith invited the SSABs to propose suggestions for next steps.

The Risk Reduction Assistance Program (formerly the Technical Assistance Program) is a vehicle to allow communities to have independent assessment of the technical basis for what the sites are proposing to reduce risk. The plan was to make monies available for these independent assessments. However, EM has recently been informed that all of the funding for this program may not be available due to Congressional earmarks. Mr. Goldsmith advised everyone to wait to see if funds will become available. At that point, he will provide direction on how to apply for the funds.

Ms. Sulc asked whether the funding was from the FY 2005 or FY 2006 budget. Mr. Goldsmith replied that the funds were from FY 2005.

Mr. Goldsmith said he was available to answer any follow-up questions and provided his email address ([robert.goldsmith@em.doe.gov](mailto:robert.goldsmith@em.doe.gov)).

Ms. Waisley then asked Ms. Nolan to provide an update on Yucca Mountain.

### **Yucca Mountain Update**

Ms. Nolan noted that DOE had hoped to submit a license application to the NRC by December 31, but that date was delayed. In addition to funding constraints, the primary reason for delay was difficulty in getting a “licensing support network” up and running. NRC requires the electronic posting on the Internet of all documents related to the regulatory/legal process of discovery, and certification as complete by NRC, at least six months before NRC will consider (“docket”) the license application. There have been problems getting the massive amount of information up and running on the Internet.

In addition, there is a court case concerning EPA’s safety standard of 10,000 years for Yucca Mountain. A Federal court has invalidated this standard as not sufficiently compliant with recommendations in a National Academy of Sciences study, as directed by Congress in the Nuclear Waste Policy Act, which posits that safety standards can be set as far out as 400,000 years and theoretically as high as 1,000,000 years.

The budget for Yucca Mountain in FY 2005 was flat to FY 2004, but they will need more funding in the coming years. The Yucca Mountain project is on track for license application sometime next year. NRC has three years to consider the application, and must make a decision within four years. DOE will need additional funds to defend the application and perform pre-construction work. They will need continuing funding for another 3-4 years.

The Yucca Mountain project received \$577M for FY 2005. DOE has testified it will not make the 2010 milestone for opening without increased funding. Ms. Nolan commented that the 2010 milestone is not likely due to the EPA safety standard problem, which will likely slow NRC's processing of the application. Although Yucca Mountain is scheduled to open in 2010, there are no schedules for any shipments.

### **Clarification of EM Reorganization/Reassignments**

Mr. Korkia asked for a clarification of Ms. Waisley's new position and other changes at EM Headquarters.

Ms. Waisley responded that she was now the Director of the Office of Cleanup Technologies (EM-21). Barbara Heffernan, who had been the acting Deputy Assistant Secretary (DAS) for Business Operations, went back to her previous position as Director of the Office of Budget. Gene Schmitt became head of the Office of Business Operations, but he has decided to retire at the end of December. Mark Frei was chosen to replace Mr. Schmitt. Ms. Waisley went into Mark Frei's old job as Director of the Office of Cleanup Technologies. Mark Gilbertson, who was previously the deputy in EM-20, moved up to DAS. The result was that Paul Golan eliminated all of his Associate Deputy Assistant Secretaries (ADASs).

Ms. Waisley affirmed that she will remain the DFO of the EMSSAB. The Internal/External Coordination Group now reports directly to Mark Frei, the DAS for Business Operations. The DOE staff that works with the SSABs are under Mark Frei's authority.

Ms. Waisley asked Ms. Nolan to provide an update of Congressional activities.

### **Congressional Update**

Ms. Nolan stated that Congress has adjourned and will return January 4. In January, their focus will be hearings on Presidential nominees.

There is no date set for the release of the President's FY 2006 budget. Typically, it's the first Monday in February. Congress will be holding budget hearings during February and March.

DOE has several open positions. Once the new Secretary is confirmed, DOE will have a number of nominees to move forward.

Dr. Bodman is the nominee for the Secretary of Energy. He is a Ph.D. engineer and has been a professor at MIT. He has the academic and engineering background to work with the National Labs. He has worked at the Departments of Commerce and Treasury. He has experience across many of the key mission areas of DOE.

Ms. Waisley noted that he has run several companies and has experience in a number of sectors. He appears to be a good man, well liked, and a good manager.

### **Funding Allocation to Sites**

Ms. Waisley stated that the allocation letters providing the funding levels for each site will be sent to the sites by the end of this week. These are being worked on and Paul Golan will sign off on them before going on vacation for two weeks.

### **LOCAL SSAB ISSUES/UPDATES**

#### Savannah River – Mel Galin and Jean Sulc

- Recent legislation (Section 3116 of the Ronald Reagan National Defense Authorization Act for 2005) enables the site to move forward on treating high-level waste in tanks. In addition, DOE is developing new protocols and there will be additional coordination with the State of South Carolina in waste determination. The CAB is determining its role.
- Bill Lawless will be the new vice-chair. In January, the CAB will have six new Board members and 13 positions up for re-election.
- The CAB leadership retreat is scheduled for the end of January, with Assistant Secretary Golan scheduled to attend.
- Mr. Galin has known Dr. Bodman to be a good decision maker. He is concerned that if the National Forum is not high on Mr. Golan's agenda, it won't get a lot of attention. Ms. Waisley agreed and noted that EM will be briefing Dr. Bodman and doesn't want to lose time on this issue.

#### Fernald – Jim Bierer

- The Board is continuing to monitor removal of material from the K-65 silos. Silos 1 and 2 are progressing well, but there are problems with Silo 3. There is also a problem with disposition of this material and there is no clear path forward at this point. DOE is looking for sites to accept disposition of this material on an interim basis.
- Board is working with LM in planning/implementing stewardship activities after cleanup is complete. Emphasis is on continuing community involvement and participation.
- The Board is discussing the scoping document for the Natural Resources Settlement lawsuit with the State of Ohio. The SSAB, site manager, and EPA have signed off on the scoping document, and we are working toward an agreement. The Board would like to see a Natural Resources Vision implemented at the site.
- The Board wants to preserve the legacy of the Fernald CAB. They will hold a workshop to look at its history and prepare a document for the community. They would like to have an educational program on site and involve teachers. DOE has

offered to provide warehouse space and trailers that can be converted for the use of the CAB to maintain documents and artifacts.

- The CAB plans to conclude activities in September 2005.

#### Hanford – Todd Martin

- The Tank Waste EIS has been delayed.
- Focus is on Closure of the Central Plateau. The Board has conducted a workshop.
- Initiative 297 has been passed.
- There is no decision yet on the Washington governor's race.

#### Idaho – David Kipping

- The legislation mentioned by the Savannah River Board affects Idaho. There will be new procedures and protocols that the Board will discuss at their January meeting. The issue is: what is the path forward and what to do with the high-level waste? The good news is that the project is moving.
- The site is beginning extraction of buried TRU waste. They will dig up one-half acre, with plans for additional excavations in the future.

#### Nevada – Charlie Phillips

- The CAB conducted a work plan retreat in October, which included briefings on all SSAB sites throughout the DOE Complex. The briefings were provided by Dr. Helen Neill, UNLV, and undergraduate students, who serve as the CAB's technical advisory team.
- The Underground Test Area Committee met with DOE officials to present its recommendations for siting of an additional monitoring well network at the Nevada Test Site. Additionally, the UGTA Committee provided a briefing on this subject to Nye County Commissioners, and invited their feedback and participation.
- The Budget Committee has begun its annual budget prioritization efforts by meeting with EM project managers to gain a clear perspective of planned activities for the FY 2007 budget cycle.
- The Board's December public meeting was conducted in Beatty, Nevada, a small town located near the NTS border. The meeting focused on the UGTA Committee's work to select a monitoring well site and presented their recommendations to the public.
- Mr. Phillips announced the retirement of Carl Gertz, the Assistant Manager for Environmental Management at the NTS, and praised his years of dedication to stakeholder involvement and commitment to the CAB since it was formed ten years ago.

#### Northern New Mexico – Jim Brannon

- The Board is watching the implementation of the NMED Order of Consent. The Board doesn't believe ground water cleanup was adequately covered in the Order of Consent.
- The Board is planning an Area G planning forum on low-level waste in March/April.
- The Board is taking a close look at the restarting of WIPP shipments.
- There are eight pending nominations to the Board.

#### Oak Ridge – Kerry Trammel

- The Board has expressed concerns about the Zone 2 cleanup at the East Tennessee Technology Park (ETTP) and recommended changes to the Proposed Plan.
- The Board also provided recommendations on the proposed haul road from ETTP to the on-site CERCLA waste management facility.
- The addition of three new Board members brings membership to 19. The Board is still waiting for DOE approval of one new Board member.
- The Board now has a display on public involvement at the Museum of Science and Energy in Oak Ridge. Ms. Waisley requested a photograph of the display.
- The Board is continuing work on its Stewardship Resource Kit, which is being developed to educate high school students about environmental cleanup and stewardship. Expected completion date is the end of January. The Board will send a copy to EM and the other Boards.

#### Paducah – Chad Kerley

- Transportation problems remain a key issue; transportation is still suspended.
- The Final Record of Decision has been received from DOE to move forward on source reduction of TCE found in groundwater at some of our facilities.
- DUF-6 work is proceeding well.
- The site expects to award a remediation contract this month.
- Bill Tanner has resigned as Board chair. Mr. Kerley is acting chair until a new chair is elected in February.
- Two new members have been appointed, bringing membership to 12. The Board will be looking for three new members in February.
- The move to an 8(a) contractor was completed in October.
- The Board held its annual planning retreat in November, and expects to issue its annual report in February.



### Rocky Flats – Jerry Depoorter

- The Board is reviewing the site's Refuge plan. The majority of the site will be a wildlife refuge. The Refuge Comprehensive Conservation Plan is out now. The plan is to preserve public access to the site for the first 5-7 years. The initial efforts of the Fish and Wildlife Service will be on environmental restoration; then the site will be opened for certain activities to the general public.
- Board issues include reviewing two important documents from DOE: one on groundwater, and the other dealing with the original landfill on the site.
- The Board is pleased with the progress made by Kaiser Hill in cleaning up the site. Building 771, once called the most dangerous building in America, is now an empty lot, and Building 707, once used to manufacture triggers, is half down.

### **Conclusion**

Ms. Waisley announced that the next Chairs' conference call would be in mid-February. Mr. Dowd will coordinate and provide information prior to the call. Ms. Waisley thanked everyone for participating and reminded everyone to call her or other Headquarters officials if there are questions about the budget.

Ms. Waisley concluded the conference call by wishing everyone a Merry Christmas and Happy New Year.